

The Court, however, cannot say at this juncture that further amendment would be futile. The Court therefore permits Mr. Tucci to amend his complaint as to

Count 1, consistent with this order. Any second amended complaint must be filed within 30 days of this order.

As to Count 2, the Court denies the motion for the reasons stated on the record at the hearing.

DATED: September 28, 2022

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge